

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

JAN 13 2006

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Connersville, Madison, and Richmond, Indiana,)
Erlanger and Lebanon, Kentucky, and Norwood,)
Ohio; and Lebanon, Lebanon Junction, New)
Haven, and Springfield, Kentucky))

MB Docket No. 05-17

RM-11113

RM-11114

To: Office of the Secretary
Attn: Assistant Chief, Audio Division,
Media Bureau

REQUEST TO SEVER

Newberry Broadcasting, Inc.; Elizabethtown CBC, Inc.; CBC of Marion County, Inc.; and Cumulus Licensing, LLC, (the "Joint Parties"), by their respective counsel, hereby request that the Commission sever the proposal filed by Rodgers Broadcasting Corporation ("RBC") in this proceeding. RBC's proposal was granted by the *Report and Order* ("R&O") (DA05-3027, rel. 11/25/05).¹ The Joint Parties' proposal was denied by the *R&O* and the Joint Parties are, contemporaneously with this Request, filing a Petition for Reconsideration of that decision. However, the Petition for Reconsideration, whether granted or denied, has no bearing on RBC's proposal. Thus, for the reasons discussed herein, the Commission should sever RBC's proposal from this proceeding.

1. The connection between RBC's proposal and the Joint Parties' proposal was the proposed change to Station WLSK(FM), Lebanon, Kentucky. Both RBC and the Joint Parties

¹ The *R&O* was published in the Federal Register on December 14, 2005 which sets the deadline for a petition for reconsideration at January 13, 2006. See 70 Fed. Reg. 73941.

No. of Copies rec'd 044
List A B C D E

requested that Channel 265A be substituted for Channel 265C3 at the same transmitter site. The only difference was that the Joint Parties' also requested a new community of license, Springfield, Kentucky. In the *R&O*, the Commission granted RBC's proposal to substitute Channel 265A for 265C3 at Lebanon.

2. The Joint Parties' Petition for Reconsideration does not conflict with the Commission's decision to substitute Channel 265A for 265C3 (as proposed in both RBC's and the Joint Parties' proposals) because the change to WLSK(FM) is the same whether the Station is licensed to Lebanon or Springfield. Because this is the only connection between RBC's and the Joint Parties' proposals, the Commission should sever RBC's proposal from this proceeding so that it can become final. To do otherwise, will keep a cloud of uncertainty hanging over RBC's ability to implement its proposal. Furthermore, if the Commission accepts the Joint Parties' proposal, it would issue a NPRM in a new docketed proceeding under the *Taccoa, Georgia* decision,² thereby allowing this docket to become final. Also, for contractual reasons, CBC of Marion County, Inc. must implement the downgrade to Station WLSK(FM). It is unfair to require WLSK(FM) to wait until the Petition for Reconsideration is resolved and this proceeding becomes final. Thus, there is no reason why the Commission cannot sever RBC's proposal and it should do so in the interest of administrative efficiency.

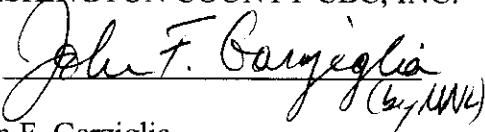
² *Taccoa, Georgia, et al.*, 16 FCC Rcd 21191 (MMB 2001).

For the foregoing reasons, the Joint Parties' respectfully request that the FCC sever RBC's proposal from this proceeding so that it can become final.

Respectfully Submitted,

NEWBERRY BROADCASTING, INC.
ELIZABETHTOWN CBC, INC.
CBC OF MARION COUNTY, INC.
WASHINGTON COUNTY CBC, INC.

By:

 (by MNL)


John F. Garziglia
Michael H. Shacter
Womble Carlyle Sandridge & Rice
1401 Eye Street, NW
Seventh Floor
Washington DC 20005
202-467-6900

Their Counsel

January 13, 2006

CUMULUS LICENSING LLC

By:



Mark N. Lipp
Scott Woodworth
Vinson & Elkins L.L.P.
1455 Pennsylvania Ave, NW
Suite 600
Washington, DC 20004-1008
(202) 639-6500

Its Counsel

CERTIFICATE OF SERVICE

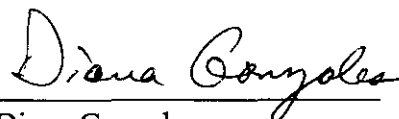
I, Diana Gonzales, in the law firm of Vinson & Elkins, do hereby certify that I have on this 13th day of January, 2006, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Request to Sever**" to the following:

* Rolanda F. Smith
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Blue Chip Broadcasting Licenses II, Ltd.
1 Centennial Plaza
705 Central Avenue, Suite 200
Cincinnati, OH 45202
(Licensee of WIZF)

Hoosier Public Radio Corporation
Indiana Community Radio Corporation
Jennifer Cox-Hensley
Martin Hensley
15 Wood Street
Greenfield, IN 46140

Rodgers Broadcasting Corporation
2301 West Main Street
Richmond, IN 47374



Diana Gonzales

* HAND DELIVERED